

ONEIDA COUNTY BOARD OF ADJUSTMENT – PUBLIC HEARING  
NOVEMBER 7, 2017  
1:00 PM

Vice-Chairman Guy Hansen called the meeting to order at 1:00 pm in accordance with the Wisconsin Open Meeting Law.

Roll call of Board members present: Norris Ross, “here”; Ed Hammer, “here”; John Bloom, “here”; Guy Hansen, “here”; and Phil Albert, “here”.

Members absent: Harland Lee

County staff members present: Karl Jennrich, Assistant Director; Brian Desmond, Corporation Counsel; and Julie Petraitis, Program Assistant

Other individuals present: See Sign in Sheet.

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Vice-Chairman Guy Hansen stated that the meeting will be held in accordance with Wisconsin open meeting law and will be tape-recorded and sworn testimony will be transcribed. The Board of Adjustment asks that only one person speak at a time because of the difficulty in transcribing when several people are talking at once. The Board of Adjustment is made up of five regular members and two alternates, one alternate being present today. Anyone wishing to testify must identify themselves by name, address, and interest in the appeal and shall be placed under oath.

Vice-Chairman Guy Hansen stated that the Board will hear testimony from the appellant/agent first and then the opposition. Following that, the appellant and opposition will have an opportunity for rebuttal and then closing statements. The public hearing will then be closed from further testimony. Consideration and additional questions can be asked by the Board members of the appellant or the opposition during deliberations. You may stay for the disposition of the appeal. Upon conclusion of the deliberation of the Board, the Chair will call for a motion and a second, and a roll call vote will be taken for the decision of the Board.

Vice-Chairman Hansen swore in Karl Jennrich, Zoning Director; Patrick McNamar, Appellant; Richard and Janet Giebel, landowners.

Secretary Phil Albert read the notice of public hearing for Appeal No.17-004, Patrick McNamar requesting interpretation of Chapter 9, Section 9.35 B 1 and 9.53 E of the Oneida County Zoning and Shoreland Protection Ordinance as amended July 15, 2017. The property is located at 7750 Indian Shores Rd., further described as part of Gov’t Lot 2, Section 29, T39N, R7E, PIN’s WR 2215-WR 2218, Town of Woodruff, Oneida County, Wisconsin.

The Notice of Public Hearing was published in the Northwoods River News on October 24 and October 31, 2017. Mr. Albert provided the proof of publication; and noted that the media was properly notified.

The Oneida County Board of Adjustment Rules of Procedure, Section 178.05(12), Chapter 17, Oneida County Code of Ordinance, provide that a timely appeal shall stay all proceedings and furtherance of the action appealed from, unless such stay would cause imminent peril to life or property.

The Board of Adjustment will conduct an onsite inspection of the property involved in this appeal beginning at approximately 10:00 am prior to the hearing. Pertinent property boundaries and locations of existing and proposed structures shall be clearly identified. A representative or the appellant must be present. The inspection shall be open to the public.

Copies of appeals and related documents are available for public inspection during normal business hours at the Planning and Zoning Office, Oneida County Courthouse, Rhinelander, WI 54501. The Oneida County Zoning and Shoreland Protection Ordinance is available on the Internet at <http://www.co.oneida.wi.gov/>.

Secretary Albert stated that all media outlets were notified of the public hearing and the onsite inspection was conducted at approximately 10:15 – 10:30 on November 7, 2017. The property owners of both properties in question were present at the site along with all Board members, excluding Harland Lee and one alternate along with Zoning Staff, Karl Jennrich. The property owners, Richard and Janet Giebel, were represented by Attorney John Houlihan. Appellant Patrick McNamar was present.

In terms of observations made: the property boundary was found marked by an iron stake and an old metal fence; the highway right-of-way was not an issue in this situation; the well and sanitary facilities were noted on documents supplied in the appeal. In terms of post construction, an existing parking area is near the property boundary. The parking area is an elevated land area, which was measured to 50' from the property line edged by pine and fir trees. In terms of the topography and condition of the land surface, it is rolling and treed down to the shore. No erosion was noted. In terms of the structures, no existing structures on the site in question. In terms of other observations, the parking area is used for parking of users of the shoreline facilities for the campground and apparently some of the boaters that use that area. In terms of any questions or discussion, there is a question in terms of does the parking area qualify as a structure. That concludes the observations during the site visit.

Attorney John Houlihan is representing Richard Giebel and is questioning and challenging the timeliness of the appeal.

**Motion by Norris Ross, second by Phil Albert to proceed with the hearing based on the thirty-day time expiration. With all members present voting "aye", the motion carried.**

Mr. McNamar began his testimony by stating that he is appealing Chapter 9, Section 9.53 B (1) and Section 9.53 E.

Mr. McNamar provided the Board with a packet of correspondence between himself and Mr. Jennrich along with some photos. Mr. McNamar went through the packet for the Board.

Mr. Giebel, represented by Attorney John Houlihan, began his testimony by stating that he felt this issue had been resolved as he planted twenty-three trees. He did not remove the fish-cleaning house until fall, but it has been moved. Mr. Giebel stated that the parking lot had been there for years, it was not new. Attorney Houlihan added that the trees have grown since they were planted and will continue to grow. He also informed the Board that the area in question at one time there was a kind of depression in the ground and that was used to dump leaves that eventually Mr. Giebel put topsoil in and planted grass. There is no gravel in that area. The area is not for overnight parking, it is parking for people who launch boats. Mr. Giebel has complied with the requests of the County and will continue to do so.

Mr. Jennrich testified that Mr. McNamar's complaint was three-fold. There was a park model placed close to the lot line and should not have been in the location it was, the fish house was placed closer than the 200' to Mr. McNamar's property line and also a parking area was constructed closer than 200' to Mr. McNamar's lot line. When Mr. Jennrich visited the property, he believed the park model was placed in a platted location that was part of a legal pre-existing campground known as Indian Shores. The complaint regarding a parking area, which Mr. Jennrich believed was considered a structure, would have to meet setbacks. After talking with Mr. Giebel, Mr. Jennrich was informed that vehicles had parked there in the past and all Mr. Giebel did was fill a small area, that they had always filled with leaves, and placed top soil and planted grass. Mr. Jennrich stated that there was a violation of the 50' setback to the lot line in which the Department required the Giebel's to plant additional trees to provide a buffer. In his opinion that request had been met. The reason the complaint of the parking area was revisited by the Department was that looking at the definition of "structure" it was questioned if the parking area met that definition. It was decided, at the Committee level, that it did not meet the definition of a structure. The Committee did strongly believe there was a violation of the fifty-percent opaque and trees should be planted. Mr. Jennrich took the tree-planting plan to the committee who thought it was a good compromise.

**Motion by Ed Hammer, second by Norris Ross to support the findings of the Planning and Development committee and the Zoning staff and advise the owner to post a "no overnight parking" sign and plant additional trees. With all members present voting "aye" on roll call vote, the motion carried.**

**Motion by Ed Hammer, second by Phil Albert to have the decision completed by November 14, 2017. With all members voting “aye”, the motion carried.**

**2:30 pm - The meeting was adjourned on a motion by Ed Hammer and second by Phil Albert; and all members voting aye.**

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Harland Lee, Chairman

Phil Albert, Secretary

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